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United States Senate

WASHINGTON, DC 20510-3703

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WTFB  
RM-4208  
PV  
WHonorable William Kennard  
Chairman, Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

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## Committees:

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GC DOCKET 92-52  
GEN DOCKET 90-264FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Dear Chairman Kennard:

I write about an issue that greatly concerns me and the public broadcasting stations in my state, which is the FCC's interpretation of the Balanced Budget Act provisions authorizing auctions. The NPRM adopted November 25, 1997 disregards, perhaps unintentionally, the potentially significant impact this proposal will have on public radio.

Specifically, the Commission has proposed the use of auctions to decide among mutually-exclusive applications for non-reserved broadcast frequencies - whether or not one or more of the applicants is a public broadcaster. However, Section 3002(a)(2)(C) of the BBA prohibits the use of auctions when a public broadcaster files an application for a license to construct and operate a new or modified noncommercial educational broadcast station, regardless of whether the station is on a reserved or non-reserved frequency.

Most non-reserved frequencies will be closed to public broadcasters if they must compete in auctions, since public broadcasters lack the substantial resources necessary to compete.

Applying for frequencies outside the reserved band is often essential to extend and maintain noncommercial, educational broadcast services (especially FM translator services). Public radio stations that are forced to relocate current FM translators to a frequency outside of the reserved band because of interference from a new full-service station would be subject to auctions merely to maintain existing service. Furthermore, in the case of public radio in Oregon, there are currently 2 stations located on the AM band, where there are no reserved noncommercial frequencies. These stations could be subject to auctions if they seek to make major modifications to their facilities.

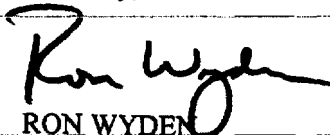
The rationale underlying auctions - - those who value the spectrum most will bid the most - - does not apply to public broadcasters, who are charged with the public interest mission of serving unserved and underserved audiences through programming that, in most cases, the marketplace would not readily support.

Finally, because the FCC has not yet adopted new rules for comparative hearings or other criteria to license the reserved spectrum, which the FCC recognizes to be exempt from the auction requirement, public broadcasters are effectively denied access to any spectrum for the foreseeable future.

I urge the FCC to reconsider its proposals to reflect the intent of Congress that spectrum policy should not disenfranchise public broadcasting.

Thank you for your consideration.

Sincerely,



RON WYDEN

United States Senator

cc: Commissioner Susan Ness  
Commissioner Harold Furchgott-Roth  
Commissioner Michael Powell  
Commissioner Gloria Tristani  
Ms. Magalie Roman Salas, Secretary, FCC